

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

SHEET METAL WORKERS LOCAL 441 HEALTH & WELFARE PLAN, et al,	: : : : : : : : : : :	CIVIL ACTION
Plaintiffs		
v.		NO. 04-5898
GLAXOSMITHKLINE, PLC, et al,	: : : : :	
Defendants		

ORDER

STENGEL, J.

AND NOW, this 13th day of September, 2009, IT IS **HEREBY ORDERED** that, pursuant to the reasoning set forth in the court's opinions issued on March 31, 2010 in *In re Wellbutrin SR Antitrust Litigation* (Docket No. 04-CV-5525) and *Medical Mutual of Ohio v. GlaxoSmithKline PLC, et al* (Docket No. 05-CV-396):

1. Defendants' motion for summary judgment as to all claims (Document # 178) is **DENIED.**
2. Defendants' motion for summary judgment as to all claims relating to the '994 patent (Document # 180) is **GRANTED.**

BY THE COURT:

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.